

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL CHAPMAN, SEAN  
FLANAGAN, HERBERT JACOBI,  
and JAMES FARRELL,

Defendants.

2:03-CR-03-0347 JCM (PAL)

Date: N/A

Time: N/A

**ORDER**

Presently before this court is the order of the Ninth Circuit Court of Appeals Appellate Commissioner in case number 06-10610, United States of America, appellee v. Daniel Chapman, appellant, D.C. No. 03-CR-0347. This appeal was filed more than 10 days after the entry of the September 1, 2006 order of this court, but within 30 calendar days after the expiration of the time to file notice of appeal. Pursuant to circuit court policy, appellants should be provided notice and an opportunity to request that the time for filing the notice of appeal be extended for a period not to exceed 30 calendar days from the expiration of the time for filing a notice of appeal based on a showing of excusable neglect. See Fed. R. App. P. 4(b)(4); *United States v. Prairie Pharmacy, Inc.*, 921 F.2d 211, 212 (9th Cir. 1990).


IT IS HEREBY ORDERED, ADJUDGED AND DECREED that appellant is on notice and may file a motion to extend the time of filing a timely appeal based on excusable neglect with this

1 court no later than December 19, 2006.

2 Appellants shall file and serve their opposition papers, if any, to the above motion no later  
3 than January 11, 2007. Appellee shall file and serve their reply, if any, no later than January 25,  
4 2007.

5 The court hereby sets the hearing for appellants motion for extension of time to file a timely  
6 appeal based on excusable neglect on Thursday, February 8, 2007, at 10:00 a.m. in Courtroom 6A  
7 at the Lloyd D. George United States Federal Courthouse, 333 Las Vegas Boulevard South, Las  
8 Vegas, Nevada 89101.

9 DATED this 28<sup>th</sup> day of November, 2006.

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12 UNITED STATES DISTRICT JUDGE  
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